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## **1. What is the Sanctuary for Peace Ordinance?**

The proposed Ordinance codifies existing City practices and Police Department policies. It specifies the following:

1. City services are to be provided to all residents who so qualify, regardless of immigration status, unless provision of said service violates state or federal law. This, in essence, adds immigration status to the City's existing non-discrimination Ordinance as it pertains to City services.
2. City employees shall not ask for immigration status from a resident in providing a service, unless they are required to do so by state or federal law. This is the City's current practice and this Ordinance simply codifies this into law.
3. Salem Police officers shall abide by the existing Police Department policy, which states that officers of the Department shall not undertake immigration-related investigations or routinely inquire about the immigration status of any person during normal police operations, unless required to do so by law.
4. In compliance with existing federal law, the City shall not discriminate in employment matters on the basis of immigration status and all persons hired by the City shall be required to verify identity and eligibility to work in the United States. This is the City's current practice and this Ordinance simply codifies this into law.
5. An Inclusion Advisory Committee shall be formed to advise City officials on how best to provide services and information in a manner that protects and supports the civil rights of all residents, regardless of immigration status.

You can read the full Ordinance and the police policy at [www.salem.com/sanctuary](http://www.salem.com/sanctuary).

## **2. If we are already acting in this manner, why does Salem want or need to adopt this Ordinance?**

Nothing in this document is any different than how Salem does business today. However, it is needed because there is a real fear among Salem's immigrant community – both documented and undocumented – regarding their current status in our country. This heightened fear of deportation has caused many folks to refrain from any interaction with local officials-including local public safety and school officials. The hope is that by adopting this ordinance our immigrant community will know they can call the police, attend school events, visit their local library, or take part in other community activities without fear of arrest or deportation as a result of any interactions within the community with local officials or City employees. This is important, even for residents who are not immigrants, because when a whole segment of our population is too fearful to call the police to report a crime or problem, the whole community is made less safe.

## **3. Does this Ordinance support current state and federal laws?**

Yes, nothing in the proposed Ordinance violates any state or federal law or any Executive Orders. It expressly states that the City, City employees, and police officers must comply with all state and federal laws relative to immigration and that if any section of the Ordinance is found to be in violation of state or federal law that section may be invalidated and the remainder of the Ordinance will remain in effect.

**4. Is the Salem Police Department policy cited in the proposed Ordinance in compliance with state and federal laws?**

Yes. Members of the Salem Police Department, along with local elected officials, must maintain their oath of office, which includes compliance with local, state, and federal laws. The City, including the Police Department, currently complies with all federal laws regarding the treatment of undocumented immigrants. Federal law, specifically 8 USC 1373, prohibits any local ban on information sharing with U.S. Immigration and Customs Enforcement (ICE). Both the current policy and the proposed Ordinance do not prohibit information sharing with other law enforcement agencies. A copy of the ordinance, SPD policy, and additional information is available at [www.salem.com/sanctuary](http://www.salem.com/sanctuary).

**5. Will the City jeopardize federal funding with adoption of the Sanctuary for Peace Ordinance?**

No. Because the proposed Ordinance violates neither existing federal immigration law nor the President's recent Executive Order, federal funding for the City is not at risk. The Executive Order intentionally targets communities that are in violation of 8 USC 1373 – those that refuse to share information with federal authorities – which Salem complies with now and will continue to comply with following adoption of this Ordinance. A link to the Executive Order is available at [www.salem.com/sanctuary](http://www.salem.com/sanctuary). In addition, the 10th Amendment to the Constitution prevents the federal government from commandeering local police to enforce federal statutes. No city can be compelled to enforce federal immigration rules or be penalized for not taking part in the enforcement of federal immigration rules. Lastly, the proposed Ordinance merely codifies existing practices; the City would not be adopting a new protocol with regard to these matters.

**6. How much federal funding does Salem receive?**

Salem expended \$11,003,716 in federal funding in FY2016 which includes some carry-over funding received by the City from FY2015. Most came in the form of formula awards or grants that came to the City through the Commonwealth for educational and social service programs (e.g. special education services, nutritional programs for students/elders, social service funding for low-moderate income individuals.)

**7. Would passing the Ordinance jeopardize public safety by allowing criminals who are undocumented to reside in Salem?**

No. The policy of the Salem Police Department allows the Department to detain an undocumented immigrant (or any individual) who poses a public safety threat to any other person, group, or entity. There is nothing in the proposed Ordinance and existing police policies that would hamper Salem Police from protecting Salem residents. Current Police Chief, Mary Butler, and former Police Chief, Representative Paul Tucker, have both strongly

endorsed this Ordinance and believe it will help improve public safety efforts in our community. When a whole segment of our populace is too fearful to call 911, the entire community is made less safe as a result. Links to studies conducted on crime rates in sanctuary jurisdictions are available at [www.salem.com/sanctuary](http://www.salem.com/sanctuary); studies indicate that there is no increase in crime in sanctuary communities compared to other communities.

**8. How will this Ordinance improve public safety efforts?**

Our immigrant neighbors, many of whom have lived in this community for decades, are fearful in the face of a changing political landscape. They are deeply concerned that local law enforcement will begin to actively seek out undocumented residents for the express purpose of detention and deportation. Salem public safety personnel, including police and firefighters, recognize and value as their first priority the safety, protection, and security of all Salem residents, regardless of country of origin. Further, local public safety personnel recognize that being able to have clear and open communication with all Salem residents is the most effective way to ensure the health, safety, and welfare of the entire community. When a segment of a community's populations is fearful of interacting with police or dialing 911, the whole City is made less safe. If your neighbor is an undocumented immigrant and they see that your house is on fire, your own safety is at risk if they are too fearful to call 911.

By the same token, Salem police will continue to treat criminal offenders with the same seriousness as they always have, regardless of any potential immigration documentation status. Links to studies conducted on crime rates in sanctuary jurisdictions is available at [www.salem.com/sanctuary](http://www.salem.com/sanctuary).

**9. Will adoption of this Ordinance prevent federal officials from enforcing immigration laws in Salem?**

No. Nothing in this Ordinance prevents federal law enforcement agencies from engaging in deportation enforcement activities in Salem, nor does any part of this Ordinance or the SPD Policy protect an undocumented immigrant from arrest or deportation.

**10. Why do we need an Ordinance? Can't we simply adopt a resolution or policy similar to the City of Beverly?**

An Ordinance is a permanent local law, not a policy or resolution, and it cannot be altered or repealed without action by both the City Council, the City's legislative branch, and the Mayor, the executive branch. It is more permanent and transparent than a policy or resolution, and clearly demonstrates to our immigrant friends and neighbors that they do not need to fear interaction with the local government. Importantly, the recently announced proclamation from the Mayor of Beverly is largely identical in content to the proposed Ordinance in Salem; the single greatest difference is that Salem's regulation will be more permanent and voted upon by its legislative branch.

**11. Is it legal for the City Council to even be taking a vote to become a Sanctuary City?**

The City Council is fully within its authority to take a vote on the proposed Ordinance. A member of the City Council voting on this Ordinance has no need to worry about being in violation of any state or federal laws. The Ordinance simply reaffirms existing policies within the City and reiterates the City's compliance with the provisions of 8 USC 1373.

**12. Is the proposed Ordinance and police policy in violation of 8 USC 1324?**

No. 8 USC 1324 states that it is a violation of federal immigration rules to knowingly harbor or transport an undocumented immigrant in furtherance of the violation. Because City employees and police, per both the existing practices and policy and the proposed Ordinance, do not inquire about an individual's immigration status unless required to do so by law, there is no knowledge of an individual's immigration status, and therefore no violation. Furthermore, 8 USC 1324 is specific to harboring and transporting; simply knowing that an individual is an undocumented immigrant is not a violation.

**13. Does this mean the Salem Police now, or in the future if the Ordinance is adopted, can pick and choose which arrestees they report to federal authorities?**

No. Anyone arrested is fingerprinted and those fingerprints are shared, per law, with the Massachusetts State Police and other federal law enforcement agencies, including ICE.

**14. Will adoption of this Ordinance make Salem a "Sanctuary City"?**

There is no official "Sanctuary City" designation and there are many different versions of laws within communities identified as sanctuary cities, towns, or counties. The term is a statement of purpose or values, not a specific legal term or status. In general, it tends to mean that a community opposes harassment and discrimination against immigrants, and seeks to protect immigrants' rights to the fullest extent of the law. It's up to each individual community to define exactly what policies it will implement to accomplish this and what form that will take. There are practically as many different definitions and types of sanctuary communities as there are sanctuary communities, and almost no two are alike. While the phrase "Sanctuary for Peace" is in the informal title of the Ordinance, the word "sanctuary" does not appear in the language of the Ordinance itself anywhere.

**15. How many Sanctuary Cities are there?**

There are hundreds of Sanctuary Cities all over the United States, including major cities like Los Angeles, New York, Chicago, Philadelphia, Minneapolis, and Boston, and smaller cities like Somerville, Cambridge, Lawrence, Northampton, and Amherst in Massachusetts. Some counties and states have also declared or are considering declaring Sanctuary status, and have implemented Sanctuary measures, including versions of the Trust Act, upon which Salem's proposed Ordinance is based. Some school districts and colleges have declared themselves sanctuary jurisdictions, as well.

**16. Why does the Ordinance have to be called "Sanctuary"?**

It doesn't and, in fact, in the actual language of the Ordinance the word "sanctuary" does not appear once. The term "Sanctuary" is used in the general title of the proposed Ordinance – "Sanctuary for Peace" – intentionally to indicate to the immigrant community in Salem, regardless of their status, that it is a codification of our existing values and that they should never hesitate to call 911 to report a crime or fire, visit their child's school, sign up for a library card, or call City Hall to request a public service here in Salem. Many communities with similar policies or laws to this proposed Ordinance do not use the phrase "sanctuary" and some call their law a "Trust Act," "Welcoming City," or "Immigrant Non-Discrimination." While the title may differ, the concept is generally the same: the primary responsibility of City employees and local police is providing services fairly and according to the law, and protecting the whole community to keep our neighborhoods safe – not to enforce federal immigration rules.

**17. When will there be forums, discussions, or meetings on the Ordinance?**

The City Council will hold a public meeting on the proposed Sanctuary for Peace Ordinance on March 29, 6pm, at the Bentley School. In addition, there are Q & A sessions about the proposed Ordinance scheduled, as follows:

March 22nd at 10am at the Council on Aging on Broad Street.

March 24th at 2pm at Salem High School.

**18. Where can find a copy of the proposed Ordinance and the current Police Department policy?**

The proposed Ordinance and the existing Salem Police Department policy that is cited in the proposed Ordinance, as well as extensive background information and supporting research, can all be found online at [www.salem.com/sanctuary](http://www.salem.com/sanctuary) or pick one up in hard copy at the Mayor's Office – Salem City Hall, 93 Washington Street, Salem, MA, during regular business hours.

**19. Who has been involved in drafting this document?**

Individuals from the Salem City Council, Salem School Committee, Salem Police Department, Salem Legal Department, Salem No Place for Hate Committee, Salem's faith community, the Salem Award Foundation for Social Justice, Salem State University, Salem Latino Leadership Coalition, Essex County Community Organization, Point Neighborhood Association, North Shore Community Development Coalition, and the Mayor of Salem were involved in the drafting of this proposed ordinance.

In addition to the organizations above, there are a number of local organizations that have expressed support for the proposed Ordinance including, but not limited to, the following: Salem Chamber of Commerce, Peabody Essex Museum, North Shore Medical Center, Salem Partnership, Salem State University, Salem YMCA, Salem Boys and Girls Club, and many more. A list of supporting coalition members and a copy of the Salem School Committee's formal proclamation of support for the Ordinance are available at [www.salem.com/sanctuary](http://www.salem.com/sanctuary).